

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK

PHYLLIS ANDREWS, *et al.*,

Plaintiffs,

v.

ARTHUR B. MODELL,

Defendant.

Civil Action No. : 07-3368 (SCR)

CIVIL CASE DISCOVERY PLAN AND SCHEDULING ORDER

The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure:

This case is to be tried to a jury.

Any motion to remand may be filed until July 3, 2007.

Any motion to dismiss may be filed on or before July 15, 2007, if no motion to remand is filed, or within thirty (30) days after any motion to remand is decided, if a decision is rendered in favor of the Defendant.

The joinder of additional parties must be accomplished on or before thirty (30) days after any motion to dismiss is decided, if a decision is rendered in favor of the Plaintiffs.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED:

An amended complaint may be filed on or before thirty (30) days after any motion to dismiss is decided, if a decision is rendered in favor of the Plaintiffs.

**Discovery:**

1. Interrogatories are to be served by all counsel no later than the date for joinder of additional parties and filing of an amended complaint, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply to this case.

2. The first request for production of documents, if any, is to be served no later than the date for joinder of additional parties and filing of an amended complaint.

3. Depositions are to be completed by the date that is one hundred and fifty (150) days after the date for joinder of additional parties and filing of an amended complaint.

- a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
- b. Depositions shall proceed concurrently.
- c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.

4. Any further interrogatories, including expert interrogatories, are to be served no later than the date that is one hundred and eighty (180) days after the date for joinder of additional parties and filing of an amended complaint.

5. Requests to admit, if any, are to be served no later than the date that is one hundred and eighty (180) days after the date for joinder of additional parties and filing of an amended complaint.

6. Additional provisions relating to discovery agreed upon by counsel for the parties are not attached or made a part hereof.

7. All discovery is to be completed by the date that is two hundred and ten (210) days after the date for joinder of additional parties and filing of an amended complaint.

Initial Case Management Conference: June 15, 2007 @ 10:00 a.m.

A Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders.

This case has been designated to the Hon. Mark D. Fox, United States Magistrate Judge at White Plains for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

Unless otherwise ordered by the Court, the parties are expected to commence discovery upon the date for joinder of additional parties and filing of an amended complaint.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court, except that upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge

will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

DATED: June 14, 2007  
White Plains, NY

SO ORDERED.

A handwritten signature in cursive script, reading "Stephen C. Robinson". The signature is written in black ink and is positioned above a horizontal line.

Hon. Stephen C. Robinson  
United States District Judge